



## POLICE DEPARTMENT

-----X  
In the Matter of the Disciplinary Proceedings :

- against - :

FINAL

Police Officer Nicholas Nelson :

ORDER

Tax Registry No. 947072 :

OF

Housing PSA 9 :

DISMISSAL  
-----X

Police Officer Nicholas Nelson, Tax Registry No. 947072, having been served with written notice, has been tried on written Charges and Specifications numbered 2018-19436, 2019-20289, and 2019-21427, as set forth on forms P.D. 468-121, dated August 27, 2018 (as amended on the record April 13, 2021), September 3, 2019 (as amended on the record April 13, 2021), and January 7, 2020, respectively, and, having pleaded Guilty, after a review of the entire record, has been found Guilty of the charged misconduct.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Nicholas Nelson from the Police Service of the City of New York.

A handwritten signature in black ink, appearing to read "Dermot F. Shea".

DERMOT F. SHEA  
POLICE COMMISSIONER

EFFECTIVE: 5/19/21

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POLICE DEPARTMENT

May 12, 2021

-----X  
In the Matter of the Charges and Specifications :

- against - :

Police Officer Nicholas Nelson :

Tax Registry No. 947072 :

Housing PSA 9 :

Case Nos.

2018-19436

2019-20289

2019-21427

-----X  
At:

Police Headquarters  
One Police Plaza  
New York, NY 10038

Before:

Honorable Jeff S. Adler  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:

Samuel Yee, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent:

Roger Blank, Esq.  
387 Park Avenue South, 5<sup>th</sup> Floor  
New York, NY 10016

To:

HONORABLE DERMOT F. SHEA  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

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## CHARGES AND SPECIFICATIONS

Disciplinary Case No. 2018-19436

1. Said Detective Nicholas Nelson, on or about August 24, 2018, while off-duty and within the confines of Richmond County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Detective Nelson did wrongfully operate a motor vehicle while under the influence of an intoxicant.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

NYS VTL Section 1192(3)

OPERATING A VEHICLE WHILE  
UNDER THE INFLUENCE OF  
ALCOHOL OR DRUGS

2. Said Detective Nicholas Nelson, on or about August 24, 2018, while off-duty and within the confines of Richmond County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Detective Nelson did wrongfully operate a motor vehicle while his ability to do so was impaired by an intoxicant.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

NYS VTL Section 1192(1)

OPERATING A VEHICLE WHILE  
UNDER THE INFLUENCE OF  
ALCOHOL

3. Said Detective Nicholas Nelson, on or about August 24, 2018, while off-duty and within the confines of Richmond County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Detective Nelson was unfit for duty.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

P.G. 203-04

FITNESS FOR DUTY

4. Said Detective Nicholas Nelson, on or about August 24, 2018, while off-duty and within the confines of Richmond County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Detective Nelson consumed an intoxicant to the extent that he was unfit for duty while armed.

P.G. 203-04

FITNESS FOR DUTY

5. Said Detective Nicholas Nelson, on or about August 24, 2018, while off-duty and within the confines of Richmond County, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Detective Nelson wrongfully refused to submit to a blood alcohol test. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

6. Said Detective Nicholas Nelson, on or about August 24, 2018, while off-duty and within the confines of Richmond County, did fail and neglect to properly safeguard his firearm.  
P.G. 204-08, Page 2, Paragraph 7

FIREARMS –  
GENERAL REGULATIONS

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

7. Said Detective Nicholas Nelson, on or about August 24, 2018, while off-duty and within the confines of Richmond County, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: said Detective Nelson failed to be in possession of his shield while armed with his firearm.

P.G. 204-15, Page 1,  
Paragraph 3 & Note

SHIELDS/NAMEPLATES/  
IDENTIFICATION CARDS  
PROHIBITED CONDUCT –  
PUBLIC CONTACT

Disciplinary Case No. 2019-20289

1. Said Detective Nicholas Nelson, while off-duty and assigned to PSA 9, on or about March 16, 2019, engaged in conduct prejudicial to the good order, efficiency, and discipline of the Department, to wit: said Detective Nelson engaged in a physical altercation with his girlfriend, [REDACTED]

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

2. Said Detective Nicholas Nelson, while off-duty and assigned to PSA 9, on or about March 16, 2019, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Detective Nelson engaged in a physical altercation with his relative [REDACTED]

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

3. Said Detective Nicholas Nelson, while off-duty and assigned to PSA 9, on or about March 16, 2019, wrongfully failed to remain at the scene after engaging in an off-duty incident in which the police responded.

P.G. 212-32, Page 1, Paragraph 1

OFF-DUTY INCIDENTS  
INVOLVING UNIFORMED  
MEMBERS OF THE SERVICE

4. Said Detective Nicholas Nelson, while off-duty and assigned to PSA 9, on or about March 16, 2019, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Detective Nelson, on two (2) occasions, failed

to identify himself to members of the New York City Police Department upon their conducting an investigation.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

5. Said Detective Nicholas Nelson, while off-duty and assigned to PSA 9, on or about March 16, 2019, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Detective Nelson wrongfully broke the window of a home belonging to a person known to the Department.

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

NYS PL 145.00(1)

CRIMINAL MISCHIEF

Disciplinary Case No. 2019-21427

1. Said Police Officer<sup>1</sup> Nicholas Nelson, while assigned to the 67th Precinct, on or about and between March 31, 2018 and August 20, 2018, wrongfully conducted twenty-seven (27) computer inquiries unrelated to official Department business.

P.G. 219-14, Page 1, Paragraph 2

DEPARTMENT COMPUTER  
SYSTEMS

2. Said Police Officer Nicholas Nelson, while assigned to the 67th Precinct, on or about and between March 31, 2018 and August 20, 2018, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Police Officer Nelson wrongfully failed to secure his computer log-in information, resulting in other Members of the Service having access.

P.G. 219-14, Page 1, Paragraph 4 & Note

DEPARTMENT COMPUTER  
SYSTEMS

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

**REPORT AND RECOMMENDATION**

The above-named member of the Department appeared before me on April 13, 2021.

Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is

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<sup>1</sup> Respondent was demoted from the rank of Detective Specialist to Police Officer on October 15, 2019.

available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I recommend that Respondent be DISMISSED from the Department.

### SUMMARY OF EVIDENCE IN MITIGATION

Respondent testified in mitigation on three separate matters. He admitted his guilt as to each of the specifications, and, as discussed in more detail below, explained how alcohol abuse affected his behavior in these cases.

His first case involved an off-duty DWI incident on August 24, 2018, in Richmond County, during which another car struck Respondent's vehicle. Respondent admitted that he was driving while under the influence of alcohol, and that he refused to submit to a blood alcohol test; his blood eventually was tested, indicating a blood-alcohol level of 0.17, approximately twice the legal limit. Respondent also acknowledged that he was unfit for duty at the time due to his consumption of alcohol, that he failed to safeguard his firearm, and that he was not in possession of his shield. Respondent was arrested and suspended in connection with this incident, and pled guilty in criminal court to driving while intoxicated, a misdemeanor. (Tr. 15-17, 29-34)

The second matter involved an off-duty physical altercation with his girlfriend, [REDACTED]  
[REDACTED] Respondent admitted that on March 16, 2019, while in an intoxicated condition, he fought with his girlfriend inside their home. Respondent punched her repeatedly, pulled her hair, and dragged her to the floor. Five photographs admitted into evidence show the girlfriend's injuries, including bleeding and swelling to her face, and abrasions to her arms and legs (Dep't. Exs. 1-5). When Respondent's relative attempted to intervene, Respondent punched and choked him. Additionally, Respondent admitted that he left the scene, failed to identify himself as an MOS, and damaged a window of another person's

home. Respondent was arrested following this incident, and pled guilty to disorderly conduct, a violation. He also was suspended again, and was demoted from the rank of detective. (Tr. 20-22, 35-43, 48-50)

In a third matter, Respondent admitted to making unauthorized computer inquiries on 27 occasions. He also improperly permitted a police cadet to use his computer log-in information. (Tr. 14-15, 44)

By way of explanation for his actions, Respondent testified that there is a history of drug and alcohol abuse in his family, but that he did not initially believe he, himself, had a problem. After the DWI incident, he completed the Department's alcohol counseling program, as well as counseling imposed by the criminal court. Nevertheless, he continued to drink, and was intoxicated at the time of the incident where he physically assaulted the mother of his child and his [REDACTED]. Respondent finally recognized that he could not control his alcohol consumption, that he had hit "rock bottom," and enrolled himself at [REDACTED], a 33-day in-patient substance abuse program, which was five days beyond what was covered by the Department's insurance. He described that program as a "dual diagnostic treatment center," which addressed mental health issues in conjunction with substance abuse. After he completed that program, Respondent continued with a recovery treatment plan, which he continues to attend voluntarily. According to Respondent, he has stopped drinking. Respondent submitted a letter from [REDACTED] [REDACTED] Center summarizing his treatment history. (Tr. 17-19, 22-28, 34-35)

### PENALTY

In order to determine an appropriate penalty, this tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's

employment record also was examined. *See* 38 RCNY § 15-07. Information from Respondent's personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent was appointed to the Department on July 8, 2008. In 2012, Respondent pled guilty to being involved in a physical altercation with a woman, with whom he had a child in common, and a verbal altercation with a male friend of that woman. In 2014, Respondent pled guilty to charges involving his neglect in his handling of an order of protection case.

The Department Advocate recommends that Respondent be dismissed from the Department. He points to the fact, noted above, that in addition to this domestic violence incident, Respondent previously was disciplined by the Department for committing a physical act of domestic violence against another woman; the misconduct here, combined with the previous finding, carries a presumptive penalty of termination. Additionally, Respondent has two other cases of misconduct here, including a DWI incident that also included a refusal to submit to a blood alcohol test and a failure to safeguard his firearm.

Counsel for Respondent argues against termination, asking that Respondent receive some understanding due to his struggle with alcohol abuse. Counsel suggests that even though Respondent's alcohol issues do not excuse his actions, they do explain Respondent's behavior. He adds that after hitting "rock bottom," Respondent did successfully regain control of his life through counseling and therapy. Additionally, Respondent already has received consequences for his conduct, having been demoted and twice suspended. Respondent provided several letters written on his behalf, including one from the complainant in the physical altercation case (Resp. Ex. B), in which she writes that Respondent has "rectified his mistakes" and has taken the "necessary measures needed to ensure it does not happen again." There also is a letter from the complainant in Respondent's prior domestic incident, in which she states that Respondent has



been a great source of support for her and their child. The other letters describe Respondent as a caring man, and praise his dedication to the community.

On the one hand, this tribunal is mindful of the difficulties encountered by Respondent in connection with his struggles with alcohol. It was encouraging to hear about the progress he has made in dealing with his alcohol abuse. In his trial testimony, Respondent candidly admitted his misconduct, and appeared to feel genuine regret for his actions.

However, the egregious nature and frequency of Respondent's actions here makes his continued employment with the Department untenable. Uniformed members of the service are required to maintain the standards established by the Department for their conduct, whether on duty or off duty. They carry with them, at all times, the responsibility for the safety of the community. A police officer is expected to value human life, and respect the dignity of each individual. Here, Respondent did just the opposite when he repeatedly punched his girlfriend, pulled her hair, and dragged her to the floor, causing injuries depicted in the photographs in evidence. As part of the same incident, Respondent punched and choked his [REDACTED] when he tried to intervene on the girlfriend's behalf. Making matters worse, there is the additional aggravating factor of Respondent's prior domestic violence incident; as noted above, in 2012 Respondent pled guilty to his involvement in a physical altercation with another woman, with whom he has a child in common.

Further, Respondent also has pleaded guilty to other charges here, the most serious of which is driving while intoxicated, where Respondent's actions endangered himself and the lives of others; Respondent also pleaded guilty in criminal court to the misdemeanor charge. In connection with that matter, he refused to submit to a blood alcohol test, and failed to safeguard his firearm.

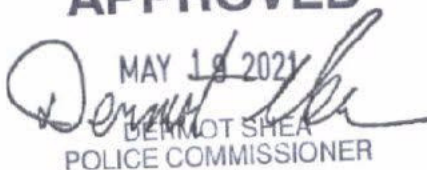
With his actions in these three cases, Respondent demonstrated that he lacked the self-control and sound judgment required of a police officer. Taking into account the totality of the facts and circumstances in these matters, including Respondent's disciplinary history with the Department, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Jeff S. Adler  
Assistant Deputy Commissioner Trials

**APPROVED**



MAY 18 2021  
DENNIS J. SHEEHAN  
POLICE COMMISSIONER



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD  
POLICE OFFICER NICHOLAS NELSON- TAX REGISTRY NO. 947072  
DISCIPLINARY CASE NOS. 2018-19436, 2019-20289 & 2019-21427

Respondent was appointed to the Department on July 8, 2008. On his three most recent annual performance evaluations, Respondent received ratings of "Meets Standards" for 2018 and 2019, and a rating of "Exceeds Expectations" in 2020. He has been awarded one medal for Excellent Police Duty, and three medals for Meritorious Police Duty.

In 2012, Respondent forfeited 20 vacation days and agreed to cooperate with counseling after pleading guilty to (i) being involved in a physical altercation with a woman, with whom he had a child in common, (ii) failing to report said incident to his commanding officer, (iii) being involved in a verbal altercation with the woman's friend, and (iv) failing to report that incident to his commanding officer as well.

In 2014, Respondent forfeited 15 vacation days after pleading guilty in a case where, after responding to several radio calls for a domestic incident, he (i) failed to conduct a proper investigation by not verifying if an order of protection had been issued, (ii) failed to prepare a complaint report for the violation of the valid order of protection, (iii) failed to make required activity log entries, (iv) provided the incorrect radio disposition for the violations of the order of protection, and (v) failed to arrest an individual who violated the order of protection.

Respondent was placed on Level I Force Monitoring from June 2012 to October 2013, due to receiving three or more civilian complaints in one year. After Respondent received additional civilian complaints, he was upgraded to Level II Force Monitoring on October 15, 2013. That monitoring was discontinued in August 2015.

In connection with the instant matters, Respondent was suspended from August 24, 2018 to September 23, 2018, and suspended again from March 16, 2019 to April 21, 2019, and placed on modified status thereafter. He was placed on Level II Discipline Monitoring on November 25, 2019; that monitoring remains ongoing.

For your consideration.

Jeff S. Adler  
Assistant Deputy Commissioner Trials